

## CAL/OSHA INSPECTIONS

1766

(No. 35 March 2002)

The purpose of Section 1766 is to establish policy and procedures regarding Cal/OSHA inspections and situations in which a Cal/OSHA inspector requests access to CAL FIRE property, facilities and worksites.

Cal/OSHA inspections are normally unannounced. The inspector will generally arrive at a location where there has been a serious accident or injury, occupational fatality, where an employee has charged that a serious violation exists or at a worksite where an imminent danger has been identified. The inspector will present his/her identification and will ask to meet with the department's representative. There will be an opening conference during which the inspector will: 1) explain the nature and scope of the inspection; 2) request that an employer representative be invited to accompany the inspector and, 3) ask to review appropriate safety records, plans and documentation.

## DESIGNATED DEPARTMENT REPRESENTATIVES

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By law, Cal/OSHA inspectors are allowed to interview employees (in private), take photographs, conduct tests, and collect environmental samples. Any statements made to inspectors are admissible in administrative and/or judicial hearings. Cal/OSHA does recognize any supervisor as being a representative of the department.

Regions, Units, and/or Program Managers shall authorize, in writing, specific individuals or job classifications as designated department representatives to accompany the inspector. An adequate number of people should be selected to avoid excessive delays once an inspector has arrived on-scene (30 to 60 minutes is reasonable). In the event that the travel distance and time is excessive and the delay would be greater than 60 minutes, the supervisor at the facility or worksite should be instructed on his/her responsibilities and accompany the Cal/OSHA inspector on the inspection. Failure to begin the inspection in a timely manner could result in the Cal/OSHA representative obtaining an inspection warrant to enter the property or worksite. The Duty Officer shall be notified immediately anytime time a Cal/OSHA inspector arrives at a worksite or facility; however, the inspection process should not be delayed pending the arrival of the designated department representative. If the Cal/OSHA inspector is there in response to a report of an imminent hazard, that hazardous condition shall be addressed immediately by the CAL FIRE supervisor, or other CAL FIRE employee, at the site.

## INSPECTION PROCEDURES

1766.2

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### PRE-PLANNING:

Cal/OSHA inspections are normally unannounced. Inspection triggers are usually:

- Imminent Danger
- Serious Injury/Fatality
- Formal Complaint

Inspectors will ask to see a variety of documents. Having these documents immediately available for the inspector is essential. Managers and supervisors will be asked to provide the following documents.

- OSHA 300 Log (Can be maintained at the administrative headquarters and faxed to the inspector at the facility.) If asked at a worksite, advise the inspector that the OSHA 300 Log will be at his/her office upon arrival.
- Hazardous Material Information (MSDS and inventory logs).
- Safety Committee meeting minutes.
- Training Records of employees (including tailgate safety briefings).
- Facility Inspection Safety Records (form [CAL FIRE-66](#)).
- Required Postings (see [Section 1764](#)).
- [Injury and Illness Prevention Plan \(IIPP\)](#)
- Site-specific Code of Safe Practices (CSP)
- [Departmental Handbooks](#)

During the course of an inspection the Cal/OSHA inspector can, and probably will, talk to various employees about CAL FIRE's safety program. The employee can request that the **designated departmental representative** be present during the questioning.

Please use the [Cal/OSHA Inspection Checklist](#) to assist in the pre-planning and inspection process.

### OPENING CONFERENCE:

The Cal/OSHA inspector is **required** to:

- Show his/her credentials
- Explain purpose of the inspection
- Explain the rights of the inspector employer, and employer representative

The CAL FIRE employee shall:

- Tell inspector that the **designated departmental representative** must be notified
- Contact the appropriate Emergency Command Center (ECC) or Duty Officer
- Provide a waiting area for the inspector. Remember that anything an inspector sees is open for investigation.
- If the inspection is due to an "Imminent Hazard" immediately advise the ECC or Duty Officer and accompany the inspector.

#### THE "WALKAROUND" INSPECTION:

The Inspector may or will:

- See the whole facility or worksite. There is no limit to the inspection.
- Interview employees, and will probably do so.
- Photograph, take measurements and possibly conduct air, noise and other monitoring measurements.
- Collect documentary and physical evidence.

CAL FIRE employee will:

- Accompany the inspector.
- Provide requested documents, if available.
- Document who the inspector interviewed.
- Photograph the same physical evidence that the inspector photographs, if a camera is available.
- Measure the same devices as the inspector, if monitoring equipment is available.
- Request copies of any monitoring measurements.
- Document the documentary and physical evidence collected by inspector.
- Guide the inspector using the 'best' path available to minimize inspections of other areas, if the inspector is to see a specific worksite or building. Whatever an inspector sees while at the worksite or facility is subject to investigation.

CAL FIRE employee will not:

- Intimidate the inspector.
- Respond to unclear questions.
- Speculate or guess.
- Argue with the inspector.
- Agree with the inspector.
- Volunteer information.
- Admit to a violation.

## CLOSING CONFERENCE:

The Cal/OSHA inspector will detail any violations and methods to abate the violation. The inspector will probably provide a time frame for abatement. Cal/OSHA has 6-months to issue a citation. During the course of the inspection, the inspector can shutdown any operation if he/she feels it is an "imminent threat" to the well being of the employees.

Once the inspector has left, contact the appropriate management level to discuss the inspection and provide any documentation provided by the Cal/OSHA inspector. The inspector may have also provided a list of requested information or documents that will need to be forwarded to the Cal/OSHA office.

**If the inspector has indicated that a citation is imminent, the appropriate Region Chief will be contacted immediately. He/she will immediately advise the Departmental Safety Officer and CAL FIRE's Legal Office.**

[\(see next section\)](#)

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[\(see Forms or Forms Samples\)](#)